

PUBLIC WORKS & CAPITAL PROJECTS

RESOLUTION NO. 2014188

BOND RESOLUTION DATED AUGUST 11, 2014.

A RESOLUTION AUTHORIZING THE COST OF THE RECONSTRUCTION AND IMPROVEMENT OF PARKS, IN AND FOR THE COUNTY OF DUTCHESS, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$166,650, AND AUTHORIZING THE ISSUANCE OF \$166,650 BONDS TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provision of the State Environmental Quality Review Act, have been performed; and

WHEREAS, it is now desired to authorize the financing thereof, NOW, THEREFORE,

BE IT RESOLVED, by the County Legislature of the County of Dutchess, New York, as follows:

Section 1. The reconstruction and improvement of parks, in and for the County of Dutchess, New York, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$166,650.

Section 2. It is hereby determined that the plan for the financing of said class of objects or purposes is by the issuance of the \$166,650 serial bonds hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is 15 years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. The faith and credit of said County of Dutchess, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same

respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Commissioner of Finance, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Commissioner of Finance, consistent with the provisions of the Local Finance Law.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the County of Dutchess, New York, by the manual or facsimile signature of the Commissioner of Finance and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the County Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Commissioner of Finance, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of the County; provided, however, that in the exercise of these delegated powers, she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Commissioner of Finance shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the County by the facsimile signature of the Commissioner of Finance, providing for the manual countersignature of a fiscal agent or of a designated official of the County), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Commissioner of Finance. It is hereby determined that it is to the financial advantage of the County not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Commissioner of Finance shall determine.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said County is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution, which takes effect immediately, shall be published in full in *The Poughkeepsie Journal* and the *Southern Dutchess News*, the official newspapers of said County, together with a notice of the Clerk of the County Legislature in substantially the form provided in Section 81.00 of the Local Finance Law.

* * * * *

2014 Reconstruction/Improvement of Parks

\$166,650 15 years at

3.10%

Year	PRIN O/S	PRIN PAYMENT	INTEREST	TOTAL
1	\$166,650	\$11,110	\$5,166	\$16,276
2	155,540	\$11,110	4,822	15,932
3	144,430	\$11,110	4,477	15,587
4	133,320	\$11,110	4,133	15,243
5	122,210	\$11,110	3,789	14,899
6	111,100	\$11,110	3,444	14,554
7	99,990	\$11,110	3,100	14,210
8	88,880	\$11,110	2,755	13,865
9	77,770	\$11,110	2,411	13,521
10	66,660	\$11,110	2,066	13,176
11	55,550	\$11,110	1,722	12,832
12	44,440	\$11,110	1,378	12,488
13	33,330	\$11,110	1,033	12,143
14	22,220	\$11,110	689	11,799
15	<u>11,110</u>	\$11,110	<u>344</u>	<u>11,454</u>
TOTAL		<u>\$166,650</u>	<u>\$41,329</u>	<u>\$207,979</u>
AVG. PER YEAR		\$11,110	\$2,755	\$13,865

FISCAL IMPACT STATEMENT

TOTAL PRINCIPAL	\$166,650	
ANTICIPATED INTEREST RATE		3.10%
TERM	15 YEARS.	TOTAL ANTICIPATED FEES
ANTICIPATED ANNUAL COST (PRIN + INT):		\$1,650
TOTAL PAYBACK (ANNUAL COST x TERMS):		\$13,865
		\$207,979

PREPARED BY HEIDI SEELBACH

H0471 - 2014 Parks Improvements

APPROPRIATIONS

Increase

H0471.7110.3150	Building-Reconstruction	\$80,000
H0471.7110.3500	Rail Trail	\$85,000
H0471.7110.3900	Bond Issuing Costs	\$1,650
		<u>\$166,650</u>

REVENUES

Increase

H0471.7110.57100	Serial Bonds	\$166,650
		<u>\$166,650</u>

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

ROBERT H. BALKIND, P.E.
DEPUTY COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION

MEMORANDUM

To: W.F.X. O'Neil, Deputy County Executive

From: Noel H. S. Knille, AIA, ASLA, Commissioner

Date: June 11, 2014

RE: Harlem Valley Rail Trail Rehabilitation

Portions of the Harlem Valley Rail Trail are in need of rehabilitation to address safety concerns which have developed due to the age of the trail. A detailed survey, review and assessment of each portion of the HVRT has been undertaken by DPW staff this Spring. As with any paved surface that has regular usage in a Northeast climate, re-paving will be required on a regular and on-going basis. In addition the normal wear and tear on outdoor wood railings and other appurtenances necessitates periodic rehabilitation of these elements.

The proposed work at the HVRT for this Fall is the following:

1. Cut all tree roots encroaching onto the trail causing the existing blacktop to buckle, crack and separate creating a dangerous tripping/falling hazard especially to bike riders and roller bladders.
2. Grind down all existing bumps and cracks on the blacktop.
3. Install new top layer of blacktop over problem areas along the trail (approximately ¾ to 1 mile of pavement is affected). Cost estimate for materials - \$60,000; labor by Highway Division of DPW.
4. Replace/install 4000 feet new Cedar Split Rail fencing at various designated spots along the trail. Cost estimate for material - \$13,000; labor by Parks Division of DPW.
5. Remove all existing Bollards on Trail and replace with raised islands at each at-grade crossing that meet new Federally approved standards. Cost estimate for materials - \$12,000; labor by Parks Division of DPW.

Therefore DPW is requesting \$85,000 for the Rehabilitation of the HVRT.

MARCUS J. MOLINARO
COUNTY EXECUTIVE



NOEL H.S. KNILLE, AIA, ASLA
COMMISSIONER

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COUNTY OF DUTCHESS
DEPARTMENT OF PUBLIC WORKS
ADMINISTRATION
MEMORANDUM

To: W.F.X. O'Neil, Deputy County Executive

From: Noel H. S. Knille, AIA, ASLA, Commissioner

Date: June 11, 2014

RE: Electrical Upgrades at Bowdoin and Wilcox Parks

2014 JUN 12 AM 9:02
DUTCHESS COUNTY
CLERK

There are some significantly poor and potentially dangerous electrical conditions at both Bowdoin and Wilcox Parks. These conditions are largely a result of age but increased electrical needs over the years.

The existing transfer station panel at Bowdoin is mounted on rotting plywood and is a safety hazard. Also the adjacent electric pole is rotted and in danger of falling down. This station feeds the entire lower section of the park, including Administration Office, Auditorium, Pavilions 1, 2 and 3, band shell and all bathrooms and the Water Spray pad feature.

Electric poles at Bowdoin are from the early 1960's and need to be replaced before they fall down. The intent would be to bury the main feed line underground as we have had several trees fall and branches break off which breaks the main wire line which disrupts the entire lower park's electric power.

The sub-panel in Bowdoin Park office needs replacement as it is an old 3 phase panel and the Park has been running on a single-phase feed and every third circuit in the panel is unusable. Also several breakers in the old panel were feeding some electrical circuits in the basement that are now powered by the new sub-panel the DPW Buildings installed.

The main electrical line that feeds the entire Wilcox Park electrical system has had at least 7 separate complete breaks over the past 4 years due to falling trees and branches. This not only incapacitates the entire park, as the wells no longer function, chlorinators for the water don't work, bathrooms toilets can't flush, office can't function but the cost of repairs can be very costly as the poles are located in some highly inaccessible areas. In 2009 alone the county spent over \$5,000 on replacing poles and wire that were broken by falling trees. Also when the main line breaks, the park facilities come to a standstill which results in unhappy residents who have rented facilities that results in refunds of rental fees which is a loss of revenue. Parks staff can dig the trenches which will save a large part of the cost for

this project.

The proposed electrical upgrade work at the two Parks for this Summer/Fall is the following:

Bowdoin Park Electrical Upgrades:

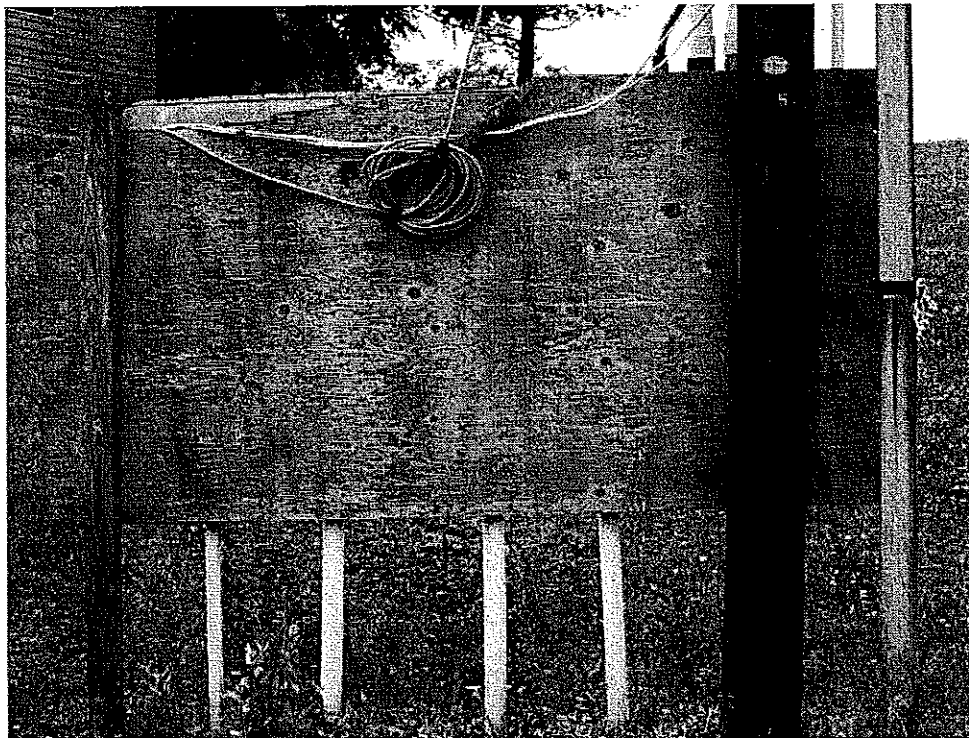
- Replace 525 feet of overhead power lines that are the main feed into the park with underground cable in conduit.
- Replace existing pole and distribution panel. Pole is rotted and needs to be replaced; Current feed to Main parks building is three phase; three phase service has been discontinued in this building as it is no longer necessary. Feed to building will be changed to underground cable in conduit.
- Replace main panel in Park office (Old panel was part of Three phase service and needs to be replaced; some breakers in this panel fed the Auditorium and first floor.) New Breaker panel on first floor now feeds new Kitchen and will supply new workshop that will be constructed this fall from funds in HO 372. New single phase panel in Main office will allow additional outlets to be added which will eliminate the current use of extension cords to supply power to the existing offices.

Wilcox Park Electrical Upgrades:

- Replace main Electrical line coming into Wilcox Park with an new underground line in conduit.

Some of this work can be partially completed by parks staff - digging trenches, electrical panel work - however the running of the main lines and the installation of new poles, as necessary, must be completed by a contractor and/or the utility company. The amount of funds estimated which are needed for this electrical upgrade work is \$80,000.

Photos of some Bowdoin Park electrical issues:



17. Airport hangars. The construction or purchase of an airport hangar if the estimated cost thereof as set forth in the resolution authorizing the issuance of obligations therefor is one million dollars or less and the hangar is not a class "A" building, fifteen years; if the estimated cost thereof is one million dollars or less and the hangar is a class "A" building, twenty years; if the estimated cost thereof is in excess of one million dollars, twenty-five years. The term class "A" building, as used in this subdivision, shall mean any such building as described in subdivision eleven of this paragraph.

18. Land acquisition and development for airport purposes. The acquisition of land in connection with the establishment, maintenance or operation of an airport having an area greater than one thousand acres, forty years.

18-a. The acquisition and installation of an above ground aircraft fuel farm at the Greater Rochester International Airport, including connecting pipes, valves, meters, pumps, concrete spill containment facility, and appurtenant facilities, twenty-five years.

19. Parks, playgrounds and recreational areas. The original improvement or embellishment of:

- (a) A new park, playground or recreational area of not less than fifty acres, twenty years;
- (b) An addition of not less than twenty-five acres to an existing park, playground or recreational area, including the improvement or embellishment, if any, of such existing park, playground or recreational area, twenty years;
- ✓ (c) Any other park, playground or recreational area, fifteen years.

20. Highways, roads, streets, parkways and parking areas. The construction, reconstruction, widening or resurfacing of a highway, road, street, parkway or parking area, whether or not including sidewalks, curbs, gutters, drainage, landscaping, grading or improving the rights of way, or the elimination of any grade crossing (exclusive of bridges therefor) or improvements in connection therewith, if:

- (a) pavement of sand and gravel, water bound macadam or penetration process with single surface treatment, five years;
- (b) flexible pavement not specified in (a) or (c), ten years;
- (c) flexible pavement with penetration macadam or plant mix bottom course and heavy duty, bituminous concrete wearing surface, fifteen years;
- (d) rigid base (portland cement concrete) pavement with: sheet asphalt, bituminous concrete, granite block or asphalt block wearing surface, fifteen years;
- (e) rigid pavement, namely reinforced portland cement concrete, fifteen years;

one county, a duplicate original of such bond, approved by the finance board, or in the case of the city of New York the chief fiscal officer thereof, shall be filed in the office of the clerk of each county in which the municipality, school district or district corporation is located, except that in a city containing more than one county such bond shall be filed only in the office of the city clerk. The expense of such bond shall be a charge upon the municipality, school district or district corporation. The provisions of this paragraph shall not apply to a bank or trust company which has been designated as fiscal agent of a municipality, school district or district corporation pursuant to the provisions of paragraph a of this section, unless the finance board of such municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, shall by resolution determine that such bank or trust company shall be required to furnish a bond for the faithful performance of its duties as fiscal agent.

✓ c. No municipality, school district or district corporation, or any fiscal agent thereof, shall charge, impose, collect, or receive from the holder of any obligation issued pursuant to this chapter, or issued pursuant to laws in effect prior to the effective date of this chapter, any fee or consideration for any services required to be performed by a fiscal agent pursuant to the provisions of this chapter. However, the holder of an obligation shall bear the expense of preparing new bonds or coupons which he shall request to be issued pursuant to the provisions of title five of this article, also the actual and necessary expenses for the mailing, shipping or the insuring of obligations incurred in connection with the rendition of services performed by a fiscal agent at his request. At least annually every fiscal agent shall render to and file with the finance board of the municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, for which he or it acts a statement of all moneys received and disbursed by such agent for the expenses mentioned in this paragraph. Notwithstanding the foregoing provisions of this paragraph, if the finance board of a municipality, school district or district corporation, or in the case of the city of New York the chief fiscal officer thereof, shall determine that it would be to the financial advantage of the municipality, school district or district corporation not to impose and collect such mailing, shipping or insurance charges, it may adopt a resolution directing its fiscal agent not to impose and collect any or all of such charges.

d. Notwithstanding any other provisions of law, the comptroller of the city of New York may prescribe rules and regulations for the registration, conversion, reconversion and transfer of the bonds and notes of the city of New York, including the preparation and substitution of new bonds, for the payment of the principal thereof, redemption premium, if any, and interest thereon, and for other authorized services to be performed by such fiscal agent.

e. Any bank or trust company acting as the fiscal agent of a municipality, school district or district corporation may bid for, purchase, acquire, hold, sell or dispose of obligations of the municipality, school district or district corporation for which it acts as such agent, and may enter into other service contracts with the municipality, school district or district corporation. No bank or trust company acting as such fiscal agent shall print, engrave, or otherwise prepare, new bonds or coupons required in connection with the conversion and reconversion of bonds as provided in title five of this article, if such bank or trust company acts as fiscal agent in such conversion or reconversion.

Credits

(L.1942, c. 424. Amended L.1944, c. 614, § 2; L.1945, c. 837, § 19; L.1946, c. 806, § 11; L.1947, c. 590, eff. May 1, 1947; L.1947, c. 591, eff. May 1, 1947; L.1983, c. 483, § 4, eff. July 15, 1983.)

Notes of Decisions (5)

McKinney's Local Finance Law § 70.00, NY LOC FIN § 70.00
Current through L.2014, chapters 1 to 25, 50 to 60.

McKinney's Consolidated Laws of New York Annotated

Local Finance Law (Refs & Annos)

Chapter 33-A. Of the Consolidated Laws

Article II. Local Indebtedness

Title 4. Local Obligations: Terms, Form and Contents Thereof; Sale and Issuance Thereof

McKinney's Local Finance Law § 52.00

§ 52.00 Recital of validity in obligations

Currentness

Any obligation issued by a municipality, school district or district corporation may contain on its face a recital in substantially the following form:

"It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State of New York to exist, to have happened and to have been performed precedent to and in the issuance of this (*Here insert type of obligation*), exist, have happened and have been performed, and that the issue of (*Here insert type of obligations*) of which this is one, together with all other indebtedness of such (*Here insert name of municipality, school district or district corporation*) is within every debt and other limit prescribed by the Constitution and laws of such State."

Credits

(L.1942, c. 424.)

McKinney's Local Finance Law § 52.00, NY LOC FIN § 52.00

Current through L.2014, chapters 1 to 25, 50 to 60.

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McKinney's Consolidated Laws of New York Annotated
Local Finance Law (Refs & Annos)(Refs & Annos)
Chapter 33-A Chapter 33-A. Of the Consolidated Laws
Article II Article II. Local Indebtedness
Title 6 Title 6. Local Obligations: Estoppel from Contesting Validity Thereof

McKinney's Local Finance Law § 81.00

§ 81.00 Bond resolution, or note resolution or certificate, containing estoppel clause; publication and notice§
81.00 Bond resolution, or note resolution or certificate, containing estoppel clause; publication and notice

Currentness

a. If a resolution of a finance board authorizing the issuance of bonds or notes or the certificate of a chief fiscal officer authorizing the issuance of notes contains the statement referred to in section 80.00 of this chapter, such resolution after adoption, or a summary of such resolution, or such certificate after its execution and filing, shall be published in full by the clerk of the municipality, school district or district corporation or such other official or person as the finance board or such fiscal officer may designate, together with a notice in substantially the following form:

“The resolution (or the resolution a summary of which is) (or certificate) published herewith has been adopted (or authorized) on the _____ day of _____, 19____, and the validity of the obligations authorized by such resolution (or certificate) may be hereafter contested only if such obligations were authorized for an object or purpose for which the (Here insert name of municipality, school district or district corporation) is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

.....
(Clerk or other official or person designated by the finance
board or chief fiscal officer)”

If a summary of such resolution is published as provided in this section, such summary shall list the class or classes of objects or purposes for which the obligations to be authorized by such resolution are to be issued together with the period or periods of probable usefulness and the amount of obligations to be issued for each such class of objects or purposes, and in addition, such summary shall state an office of the municipality, school district or district corporation where the resolution summarized thereby shall be available for public inspection. Such resolution shall be kept available for public inspection at such office during normal business hours for twenty days following the publication of such summary as provided in this title.

b. However, if such resolution is subject to a mandatory or permissive referendum, or is submitted to a referendum by the finance board on its own motion, such resolution or summary thereof shall not be published together with such notice until it shall have been approved at such a referendum or, in the case of a resolution subject to a permissive referendum, until the period of time shall have elapsed for the submission and filing of a petition for a permissive referendum and a valid petition shall not have been submitted and filed, and such notice shall state that such resolution has been approved at such a referendum or, in the case of a resolution subject to a permissive referendum, that the period of time has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed, as the case may be.

c. If any bond resolution or capital note resolution does not contain a determination of the period of probable usefulness of the specific object or purpose or class of objects or purposes for which such resolution authorizes the issuance of obligations, there shall be published, together with such resolution or summary thereof and notice, the certificate of the appropriate body or official containing such determination.

d. Such publication as shall be required by this section shall be in the official newspaper or newspapers of the municipality, school district or district corporation or if there be no such newspaper or newspapers, then in such newspaper or newspapers having a general circulation in the municipality, school district or district corporation as the finance board shall designate.

Credits

(L.1942, c. 424. Amended L.1944, c. 608, §§ 26, 27; L.1981, c. 1050, § 4, eff. Nov. 11, 1981, deemed eff. Oct. 31, 1981.)

Notes of Decisions (6)

McKinney's Local Finance Law § 81.00, NY LOC FIN § 81.00

Current through L.2014, chapters 1 to 30, 50 to 60.

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